



A PROFESSIONAL  
LAW CORPORATION

201 South Main Street  
Suite 1800  
Salt Lake City, Utah  
84111-2218  
Post Office Box 45898  
Salt Lake City, Utah  
84145-0898  
Telephone 801 532-1234  
Facsimile 801 536-6111  
E-Mail: pbl@pblutah.com

September 10, 2002

**FILED**

SEP 10 2002

**SECRETARY, BOARD OF  
OIL, GAS & MINING**

Michael S. Malmquist

Direct Dial  
(801) 536-6658  
E-Mail  
MMalmquist@pblutah.com

*Docket No 2002-018*

**BY HAND DELIVERY**

Ms. Mary Potter  
Secretary, Board of Oil, Gas and Mining  
Utah Department of Natural Resources  
1594 West North Temple, Suite 1210  
Salt Lake City, Utah 84114

**Re: Request for Agency Action for Quarry Antone (M/045/021)**

Ms. Potter:

On behalf of Utah Portland Quarries, Inc. ("Utah Portland"), pursuant to Utah Administrative Code Rules R641-105-100, R641-105-600 and R641-105-500, enclosed are the original and 14 copies of the following documents for consideration by the Board:

- 1) **Request for Agency Action** (In the Matter of the Request for Agency Action by Utah Portland Quarries, Inc., for an Extension of the Suspension Period under the Approved Notice of Intention for the Quarry Antone Mining Operation Located in Tooele County, Utah)
- 2) **Petitioner's Exhibits in Support of Request for Agency Action** (In the Matter of the Request for Agency Action by Utah Portland Quarries, Inc., for an Extension of the Suspension Period under the Approved Notice of Intention for the Quarry Antone Mining Operation Located in Tooele County, Utah)

Copies of these documents have also been provided to the Division of Oil, Gas and Mining, their counsel, and counsel for the Board.

Utah Portland also respectfully requests that this matter be heard at the Board hearing scheduled for October 23, 2002. Given the nature of Utah Portland's Request for Agency Action and the Division's tentative indication that it will likely support that Request, it is not currently expected that any discovery will be required.

Ms. Mary Potter  
September 10, 2002  
Page Two

If you have any questions regarding this matter, please contact me at (801)536-6658.

Sincerely,



Michael J. Malmquist

MJM/cvd  
Enclosures

cc: D. Wayne Hedberg, DOGM (w/ Enclosures)  
Steven F. Alder, AAG (w/ Enclosures)  
Kurt E. Seel, AAG (w/ Enclosures)

Greg Morical (w/ Enclosures)  
Harry Philip (w/ Enclosures)



State of Utah  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS AND MINING

M/045/021

Michael O. Leavitt  
Governor

Robert L. Morgan  
Executive Director

Lowell P. Braxton  
Division Director

1594 West North Temple, Suite 1210  
PO Box 145801  
Salt Lake City, Utah 84114-5801  
(801) 538-5340 telephone  
(801) 359-3940 fax  
(801) 538-7223 TTY  
www.nr.utah.gov

September 10, 2002

CR-7099-3400-0016-8895-4906

Gregory J. Morical  
Assistant General Counsel  
Lone Star Industries Inc.  
10401 North Meridan Street, Suite 400  
Indianapolis, Indiana 46290-1090

Re: Formal Approval of Replacement Reclamation Sureties, Lone Star Industries, Inc. (d.b.a., Utah Portland Quarries, Inc.), Little Mountain Quarry, M/045/005 & Quarry Antone, M/045/021, Tooele County, Utah

Dear Mr. Morical:

On September 9, 2002, the Director of the Division of Oil, Gas and Mining formally approved the form and amount of replacement reclamation sureties for Utah Portland Quarries, Inc. ("Utah Portland") Little Mountain and Quarry Antone limestone mines. Replacement reclamation surety bonds issued by Safeco Insurance Company of America in the amounts of \$69,800 (~~#0256705~~ - Little Mountain Quarry) and \$49,900 (~~#095879~~ - Quarry Antone) have been received. The updated sureties were requested as part of the Division's standard 5-year bond review and escalation process. ***The Division hereby grants its final approval of your replacement reclamation sureties for the Little Mountain and Quarry Antone mining projects.***

Copies of the fully signed and executed replacement Reclamation Contracts and surety bond forms were hand delivered to your local courier on September 9, 2002. Enclosed are the original Reclamation Contracts with original sureties (~~#0256705~~ & ~~#095879~~) issued by National Union Fire Insurance Company to be cancelled effective September 13, 2002.

***The Division also hereby acknowledges and concurs with the observation made by Mr. Malmquist in his August 21, 2002 transmittal letter concerning an error in our June 24, 2002 correspondence. The approved disturbed acreage for the Quarry Antone project is 13.3 acres, not 8 acres as we previously indicated. The disturbed area is consequently in compliance with the approved permit.***

Page 2  
Gregory J. Morical  
September 10, 2002

Thank you for your help in finalizing this permitting action and keeping the reclamation sureties for both projects current. Please call me if you have any questions regarding this letter.

Sincerely,

A handwritten signature in black ink, reading "D. Wayne Hedberg". The signature is fluid and cursive, with the first name "D." and last name "Hedberg" clearly legible.

D. Wayne Hedberg  
Permit Supervisor  
Minerals Regulatory Program

jb

Enclosure: 2 older original RC's & surety bonds

cc: Michael Malmquist, Parsons, Behle & Latimer, w/oEncl

P:\GROUPS\MINERALS\WP\M045-Tooele\M0450021-Quarry Antone\Final\M0450021-Quarry Antone.apvl-ltr.doc



UNITED STATES POSTAL SERVICE


 First-Class Mail  
 Postage & Fees Paid  
 USPS  
 Permit No. G-10

• Print your name, address, and ZIP Code in this box •


 Joelle Burns  
 State of Utah  
 Division of Oil, Gas and Mining  
 1594 West North Temple  
 Salt Lake City, UT 84114-3801

RECEIVED

SEP 26 2002

 DIVISION OF  
 OIL, GAS AND MINING


Is your RETURN ADDRESS completed on the reverse side?

JB DOGM M/045/005 & M/045/021  
 SENDER: ltr dated 9/10/02 mailed 9/18/02

☐ Complete items 1 and/or 2 for additional services.  
☐ Complete items 3, 4a, and 4b.  
☐ Print your name and address on the reverse of this form so that we can return this card to you.  
☐ Attach this form to the front of the mailpiece, or on the back if space does not permit.  
☐ Write "Return Receipt Requested" on the mailpiece below the article number.  
☐ The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address  
 2. ☐ Restricted Delivery  
 Consult postmaster for fee.

3. Article Addressed to:

GREGORY J MORICAL  
 ASSISTANT GENERAL COUNSEL  
 LONE STAR INDUSTRIES INC  
 10401 N MERIDAN ST STE 400  
 INDIANAPOLIS IN 46290-1090

4a. Article Number  
 7099 3400 0016 8895 4906

4b. Service Type  
☐ Registered ☒ Certified  
☐ Express Mail ☐ Insured  
☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery  
 23 SEP 02

5. Received By: (Print Name)  
 D. MARSHINO

6. Signature: (Addressee or Agent)  
 X

PS Form 3811, December 1994 02595-97-B-0179 Domestic Return Receipt

Thank you for using Return Receipt Service.

U.S. Postal Service

CERTIFIED MAIL RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

JB DOGM M/045/005 &amp; M/045/021

ltr dated 9/10/02 mailed 9/18/02

Postage	
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark Here

Recipient's Name (Please Print Clearly) (to be completed by mailer)

 GREGORY MORICAL LONE STAR INDUSTRIES  
 Street, Apt. No.; or PO Box No.  
 10401 N MERIDAN ST STE 400  
 City, State, ZIP+4  
 INDIANAPOLIS IN 46290-1090

PS Form 3800, February 2000

See Reverse for Instructions

7099 3400 0016 8895 4906